

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

MILSTEAD & ASSOCIATES, LLC

By: Andrew M. Lubin Atty. ID: AL0814

1 E. Stow Road

Marlton, NJ 08053

(856) 482-1400

File No. 220306

Attorneys for Secured Creditor: Wells Fargo Bank, N.A.

In Re:

Carli N. Spires

Case No.: 16-33318-CMG

Chapter 13

**Hearing Date: March 1, 2017**

**Time: 10:00 am**

Judge: Christine M. Gravelle

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

Wells Fargo Bank, N.A. ("Secured Creditor"), by and through its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, as and for an Objection to Confirmation of debtors' Chapter 13 Plan, states the following grounds therefore:

1. On December 7 2016, Debtor, Carli N. Spires, filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.

2. Wells Fargo Bank, N.A. is the holder of a first mortgage on real property owned by the Debtor known as and located at 32 Brockton Road, Trenton, NJ 08619 (the "Property").

3. Secured Creditor has not yet filed its Proof of Claim in this matter, but anticipates doing so shortly. As such, Secured Creditor reserves the right to supplement this objection.

4. As will be more fully set forth in the aforementioned proof of claim, as of the date of the filing of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan are \$1,932.61.

5. Debtor's Chapter 13 Plan does not provides for payment of mortgage arrears and does not provide for a treatment of Secured Creditor's claim in the plan.

6. The Chapter 13 Plan does not provide for Secured Creditor to receive distributions with a value equal to the allowed amount of its claim as required by 11 U.S.C. §1325(a)(5)(B)(ii).

7. Secured Creditor objects to the Debtor's Chapter 13 Plan as same does not propose to cure the entire pre-petition delinquency due to Secured Creditor and thus the Plan is not feasible as filed.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Chapter 13 Plan for the reasons hereinabove set forth unless modified to provide for payment of pre-petition arrears in full, as set forth above, due to Secured Creditor, and for such other and further relief as to the Court may seem just and proper.

DATED: December 29, 2016

Respectfully submitted,  
MILSTEAD & ASSOCIATES, LLC

/s/Andrew M. Lubin  
Andrew M. Lubin, Esquire  
Attorney ID No. AL0814  
1 East Stow Road  
Marlton, NJ 08053  
(856) 482-1400  
Attorneys for Secured Creditor

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**CERTIFICATION OF SERVICE**

1. I, Andrew M. Lubin, Esquire:

☒ represent the Secured Creditor in the above-captioned matter.

☐ am the secretary/paralegal for \_\_\_\_\_, who represents the  
\_\_\_\_\_ in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On December 29, 2016, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection to Secured Creditor to Confirmation of Chapter 13 Plan
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3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 29, 2016

/s/Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Robert G. Swan, Esquire Law office of Robert G. Swan 3720 Nottingham Way Hamilton Square, NJ 08690	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Carli N. Spires 32 Brockton Rd Hamilton, NJ 08619-3040	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.